

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-219663
MATTER OF: Gracon Corporation

DATE: October 22, 1985

DIGEST:

Protest is dismissed where protester would not be in line for award if its protest was upheld.

Gracon Corporation protests the award of a contract for the demolition of the Anvil Points Oil Shale Research Facility and the reclamation of the associated land to Mountain Region Construction Corporation (MRCC) under request for proposals No. DE-RP01-85FE60656 issued by the Department of Energy (DOE). Gracon alleges that award to MRCC was inconsistent with various requirements of the solicitation and applicable procurement regulations.

We dismiss the protest.

DOE issued the RFP on January 4, 1985, and the RFP contained a closing date of February 15. Eight proposals were submitted, and DOE determined that four of the proposals were within the competitive range. DOE then gave all of the firms in the competitive range the opportunity to revise their proposals, but none did so.

With regard to award of the contract, the solicitation provided, in pertinent part, that:

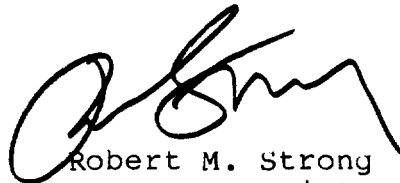
"... if after evaluation of the technical and price proposals, two or more competing overall proposals are within the competitive range, the price to the Government will be the deciding factor for selection."

Consequently, the contracting officer determined that since MRCC offered the lowest price among those firms in the competitive range and the most advantageous combination of technical score and price, it should be awarded the contract. Three other firms were found in the competitive

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range, and Gracon submitted the second highest price among the four offerors.

Under our Bid Protest Regulations, a party must be "interested" before we will consider its protest. 4 C.F.R. §§ 21.0(a) and 21.1(a) (1985). A party is not interested if it would not be in line for award should its protest be upheld. Central Air Service, Inc., B-218833.2, May 21, 1985, 85-1 C.P.D. ¶ 580. Here, even if Gracon's protest against award to MRCC was upheld, there is a lower priced offeror in the competitive range who would be next in line for award. Since Gracon is not next in line for award, the firm is not an interested party under our Bid Protest Regulations, 4 C.F.R. §§ 21.0(a) and 21.1(a), supra, and its allegations concerning the award to MRCC will not be considered on the merits. See Dynalelectron Corporation--PacOrd, Inc., B-217472, Mar. 18, 1985, 85-1 C.P.D. 321; Lockheed Engineering and Management Services, Incorporated, B-212858, Dec. 23, 1983, 84-1 C.P.D. ¶ 18.



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